THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.7616 of 2006

Dated:18th April, 2006

Between:

T.Suresh Babu.

…..PETITIONER

AND

The Southern Power Distribution Company

Of A.P. Ltd., rep by its Chief General Manager

(HRD), Renigunta Road, Tirupati & 2 others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.No.7616 of 2006

ORDER:

This writ petition is filed seeking to call for the records in Proceedings Memo.DEE O.NLR Admn. U1/D.No.401/2006 dated 22-3-2006 issued by the 3rd respondent and to quash the same.

The case of the petitioner is that he has completed ITI Course and the

respondents invited application from various candidates for appointment of Junior Line Men on contract basis and responding to the same he has applied and was selected along with other 21 members as Junior Lineman. Pursuant thereto he attended to duties as Junior Line Man till his services were terminated abruptly on 27-5-2005 against which the petitioner filed W.P.No.13087 of 2005 seeking suspension of the termination order, and this Court by order dated 23-6-2005 suspended the same, and by virtue of the said orders the petitioner continued till he was terminated once again on 22-3-2006. Hence, the writ petition.

Learned counsel for the petitioner submitted that the action of the respondents in terminating the petitioner alone by continuing others who were similarly placed like the petitioner is discriminatory and violative of Article 14 of the Constitution of India.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

It is well settled law that matters relating to appointment on contract basis or non-engagement or regularization involves disputed questions of fact and require adducing of and consideration of evidence, and this Court in exercise of its power under Article 226 of the Constitution does not adjudicate disputed questions of fact. The proper remedy for the petitioner is to raise an industrial dispute under the Industrial Disputes Act, 1947 before the Labour Court.

In view of the above, the petitioner is directed to raise an industrial dispute before the Labour Court under Section 11-A of the Industrial Disputes Act, 1947.

With the above observation, the writ petition is dismissed. No costs

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(N.V. RAMANA, J.)

Date:18th April 2006.

GRK